IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION NO : 30459 of 1998

Between:

P. Bheemaiah S/o. Usaiah, R/o. 2-2-1093/43, Golnaka Amberpet, Hyderabad-13.

PETITIONER

AND

1. The Depot Manager, A.P.S.R.T.C., Falakanuma Bus Depot, Hyderabad.
2. The Dy. Traffic Manager, A.P.S.R.T.C., Charminar Bus Depot, Koti, Hyderabad.
3. The Presiding Officer, Labour Court-I, Chandravihar Buildings, Nampally, M.J.Road, Hyderabad.

RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to graciously issue an Order, Direction or a Writ more particularly one in the nature of 'WRIT OF CERTIORARI' after calling for the records in I.D.No.122/97 from third respondent Labour Court and quash the same for non-compliance of Rule 12 (3) of A.P.S.R.T.C. (Classification, Control and Appeal) Regulations and on the ground of violation of principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.RAVINDRANATH

Counsel for the Respondents 1 and 2 : MR. A.V. SIVAIAH

Counsel for the respondent No.3: GP FOR LABOUR.

The Court made the following:

ORDER:

Heard both sides and gone through the entire material made available on record.

It is unfortunate that this writ petition is filed by a workman being aggrieved by the preliminary finding holding that the domestic enquiry conducted by the management was valid and justified. In fact, it was always open for the workman even to challenge the preliminary finding as to the validity of the domestic enquiry while challenging the award passed by the Labour Court, if necessary. Some how, the petitioner approached this Court challenging the finding of the Labour Court as to the validity of domestic enquiry as a preliminary issue.

The Labour Court in its order dated 1st September, 1998 in I.D.No.122 of 1997,while deciding the preliminary issue as to the validity of the domestic enquiry, considered every aspect in detail and held that there was nothing wrong in the enquiry conducted by the Management calling for interference of the Labour Court to declare the same as invalid and as such held the same to be valid and posted for further proceedings. At this stage, the workman filed this writ petition and obtained stay of the trial of the I.D.

I have gone through the order of the labour Court. It has not committed any error as complained by the petitioner. The Labour Court found that the respondent has supplied all the documents available with it and enquiry was not vitiated for non-supply of the documents. I am of the opinion that the labour Court has not committed any error in coming to such conclusion. I do not find any ground to interfere with the order of the Labour Court. The writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

However, the Labour Court is directed to proceed with the main I.D. and decide the same within a period of three months from the date of receipt of a copy of this order.

The registry is directed to communicate a copy of this order within a week from today to the Labour Court.

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Justice C.V.RAMULU

21-6-2005

Dvs

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Copies to:

1. The Depot Manager, A.P.S.R.T.C., Falakanuma Bus Depot, Hyderabad.
2. The Dy. Traffic Manager, A.P.S.R.T.C., Charminar Bus Depot, Koti, Hyderabad.
3. The Presiding Officer, Labour Court-I, Chandravihar Buildings, Nampally, M.J.Road, Hyderabad.
4. Two CCs. to the GP for Labour, High Court Buildings,

Hyderabad.

5. Two CD copies.

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HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.30459 OF 1998

21st June, 2005

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